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Department of Revenue

OFFICE The Board

STATION Madras

Reg' No. 3945

Dated 18-10-35

Received 7/35

D 80
OCT 1935
25

(SUBJECT.)

:b- (Orders) Orders on the
o. 41/35- Revaluation re-
-ris - Dispute- Regu-
lations -

DEPARTMENT.

In rep.y, please quote number, date and short title.

Received *Registered* A4419

From (Name) T. Bhaskara Rao Esq., I.C.S.,

(Designation) Collector

Post Box ....., (STATION) Bellary 13/11/35

Telegraphic Adaress

BOARD OF REVENUE
7 - OCT 1935
LAND REVENUE AND SETTLEMENT

To The Secretary to the Commissioners,

Land Revenue & Settlement,

M A D R A S.

Ref.C. No.4053/35 A-1 *dated* 3-10-1935 19

Sir,

ENCLOSURES (5)

SPARE COPIES

Suits - O.S. 41/1935 - District Munsiff's Court Bellary - Siruguppa taluk - Devalapuram village - House site - dispute - Plaintiff Gowdra Eramma

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Gowdra Eramma a resident of Devalapuram village in Siruguppa taluk has filed a suit against Government as 2nd defendant, for declaring her as the owner of tne site marked A B C D in the schedule appended to the plaint and for ejecting Hyati Basamma who was granted a house site title deed for the said site in November 1932. The 1st defendant applied for the site under House Site rules on 16-9-1932 and after observing the necessary formalities, it was granted to her on 11-11-1932 allowing one year's time to construct the building. The grantee did not construct the building till 1934, but applied for extension of time for six months which was granted on 13-3-1934. On 20-6-1935 the grantee preferred a criminal complaint against the Plaintiff for an offence under Section 341 IP.C. before the Sheristadar 3rd class Magistrate, Siruguppa who acquitted the accused under Section 245(1) C.P.C. as no offence was proved. During the enquiry the Plaintiff stated that the site in question belonged to her, that it was her husband's ancestral property and that as the house on the site fell down she vacated it and went to another

house. On the assumption that the site belongs to her she contends that Government had no right to grant it on patta to the 1st Defendant. She alleges that there is a foundation on the site, but there is no evidence that the foundation which is on a level with the ground, was ever laid by her ancestors. The enquiry made by the Tahsildar, Siruguppa shows that there is no evidence either oral or documentary to show that the site ever belonged to the Plaintiff or her relations. The Tahsildar has recorded statements of some old persons of the village, who have stated that the site was always an open site. I enclose copies of the Tahsildar's reports for information.

2. The suit was originally posted to 1-10-1935 and is now reposted to 13-11-1935 for filing written statements. I enclose a copy of the plaint, a copy of the summonses, the criminal case records and a draft written statement to be filed on 13-11-1935. I request that the draft written statement may be approved and the defence of the suit sanctioned.

In the court of the District Munsif of Bellary.

O.S. No. 41/1935.

Between:-

Gowdra Iramma. Plaintiff.

and

1. Hyate Basamma.

2. The Secretary of State for India in Council represented by the Collector of Bellary. Defendants.

Written statement on behalf of the 2nd defendant under Order VIII Rule 1 C.P.Code.

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1. This defendant puts the Plaintiff to strict proof of all the plaint allegations which are not herein admitted.

2. This defendant denies the allegations made in plaint para 3. The suit land in question is a portion of Grama Natham and belongs to the Government. It has been in possession of this defendant from time immemorial. The Plaintiff was not in possession the suit site [within at any time any period, known to the memory of man.]

3. The 1st defendant applied for tthe suit site in question under House Site Rules on 16-9-1932. This application was duly notified to all the villagers by beat of tom tom etc., and the Village Officers sent up a memorandum recommending in favour of the application by the 1st defendant. On 11-11-1932 the site in question was granted to the 1st defendant for building purposes. A year's time was granted to complete the building.

4. The grantee i.e., the 1st defendant applied for six months extension of time on 13-3-1934 and this was duly granted.

5. This defendant puts the Plaintiff to strict proof of

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the correctness of the allegations in the plaint para 4.

6. This defendant denies the allegations in plaint para 5. There was no house on the suit site and it is false to say that the plaintiff and her husband were living in any such house.

7. This defendant denies the allegations in plaint para 6 and puts the plaintiff to strict proof of them.

8. This defendant puts the Plaintiff to proof of the allegations in plaint para 7.

9. This defendant urges that the plaintiff was fully aware of the grant in question and the said grant is valid against her. She has no claim whatever to the said site in question.

10. It is urged that the plaintiff has not mentioned clearly the cause of action against this defendant.

11. Plaintiff's suit is barred by limitation.

12. This defendant prays that the suit may be dismissed with costs.

(sd) T. B. No.

Government Pleader, for
2nd Defendant.

2nd Defendant.

Verification.

I, the 2nd defendant above, do hereby declare that what is stated above is true to my knowledge, information and belief.

(sd) T. B. No.

2nd Defendant.

Copy of letter Ref.C. No. 2152/35 dated 10-8-1935 from the Tahsildar, Siruguppa to the Collector of Bellary through the Revenue Divisional Officer, Bellary.

Assignment - House-site - Siruguppa taluk - Devalapuram village - suit filed by Goudra Eramma - Report submitted.

One Basamma wife of Boggurappa of Devalapuram village put in a petition on 1-10-1932 for house site measuring 6 by 9 or 54 Sq. yards and it was granted on 11-11-1932 by my predecessor Mr.I.Venkatachalam. At the time of publication of notice, no objection was raised by Goudra Eramma the plaintiff or nay The notice was signed by the neighbourers Sannakki Eranna and Siva Reddy and some respectable ryots. The application was referred to the Revenue Inspector Tekkalakota for inspection and report. He reported after personal inspection that the site applied for was a free open space and there was no objection to grant it to the applicant as she had already put up a shed in the southern portion of the site and was using it for her cattle. He also reported that there was a foundation, on level with the ground and that foundation had been there for several years past. At the time of Revenue Inspector's enquiry, the plaintiff had not raised any objection. No objection petition from the plaintiff had been received in the Taluk office also. There is nothing in this office to show that the site belonged to her. There was a criminal case between the parties in the Sharistadar Magistrate's Court at Siruguppa. The case was disposed of in C.C. No. 14/33.

This office H.S.R. Dis. 7/42 dated 11-11-1932 and C.C.No.14/33 are herewith submitted for favour of perusal and return.

Copy of letter Ref.C. No. 2152/35 B.3 dated 30-8-1935 from the Tahsildar, Siruguppa to the Revenue Divisional Officer, Bellary.

House site - Assignment - Siruguppa taluk - Devalapuram village - Suit filed by Goudra Eramma. Further report- submitted.

The House site that was assigned to Hati Basamma widow of Boggurappa on 11-11-1932 is a piece of land measuring North to South yards and East to West 6 yards and bounded on the North and West

by pathways, on the South by the house of Siva Reddy and on the East by the house of one Sannakki Eranna. A sketch of the site and the lane in which it is, is enclosed.

2. The Revenue Inspector's report dated 22-10-1932 shows there was a foundation on the Western side of the site. This report was based presumably on his personal observation and on the report of the village headman in the matter. The village headman is Reddi Basavana Gowd. He now explains what he meant by foundation. He means it stones placed one behind the other along the side of pathways. In villages people let their cattle stay in open space round their houses or tie them up there in the morning hours when their houses are cleaned and in so doing they some times fence such places by stones with a view to prevent the fodder thrown at cattle from being carried away by wind. Such stone constructions are very common in villages and sometimes get buried in ground also. Reddi Basavana Gowd definitely says it was not a foundation on which any building could have been raised. The Revenue Inspector who said that there was no objection for granting the site to Basamma is Mr. N. Neelakantha Rao now a clerk in your office. In villages attempts are often made to encroach on Government lands by placing heaps of stones or by putting little foundations. In course of a few years whenever there is a change in village officers or in their attitude and when there is none to notice such encroachments are passed and claimed eventually as private sites. No importance can therefore be attached to so called foundations.

3. There is no documentary evidence so far to show that the site ever belonged to the Plaintiff or her relations. I have inspected the site and I enquired of a few aged men about the matter. My enquiry shows that the site occupied by Hati Basamma was always a open site. The record of enquiry is enclosed The enclosed sketch shows one Sannakki Eranna's house to the west of the site assigned. This house is fallen and is not occupied for the last 15 years. A water spout of it faces the

open

open site. There could not have been any building therefore in the site assigned to Basamma. Basamma has put up a room 28 links by 14 links and in front of it a 'Chappar' 28 links by 12 links on the site assigned to her. The room touches the house of Basavana Gowd to the south of it. Basavana Gowd's house could never have been a part of the site assigned to Basamma. The house faces south with no opening to the site assigned to Basamma. It is shown as Siva Reddi's house in the house site patta. Siva Reddi was the father of Reddi Basavana Gowd the present village headman of Devalapuram. In the portion not built on by Basamma I see no foundation worth the name at all. The site assigned to Basamma measures 41 by 28 in links and could not have been a private site as far as enquiry shows.

4. The records on the subject are returned.

Enclosures.

Collector's N.Ref.4053/35 dated 31-7-1935.

Taluk H.S.R.Dis.7/42 dated 11-11-1932.

Sheristadar Magistrate's C.C. 14/33.

One plan and Record of enquiry.

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In the Court of the District Munsif of Bellary.

O.S.No. 41/1935.

Goudra Iramma — Plaintiff

Vs.

Hyate Basamma — Defendant.

Plaint on behalf of Plaintiff under Order 7 - Rule 1 C.P.C.

1.Plaintiff.- Goudra Iramma, daughter of Thimmanaga Gowd, 70, Reedi - Kapur, Cultivator, Devalapuram, Suruguppa taluk.

Address for service, c/o P.Venkobacharya, M.A.LL.B., Pleader, Bellary.

2. Defendant.- Hyate Basamma, Daughter of Thippanna, 40, Kuruba cultivator, Devalapuram, Siruguppa taluk.

3. The plaintiff is the owner of the plot of land described in the Schedule. The whole of it was once a house which has however fallen down, andonly the foundations are now visible.

4. The defendant filed a criminal complaint C.C.14/33 against the plaintiff on or about 20th June 1933 before the Taluk Magistrate, Siruguppa, alleging that she had obtained a patta for the said site to build a house thereon and that when she (defendant) wanted to dig foundations, the plaintiff obstructed her saying that it was her land.

5. The house and the site on which it stood (now in question) shown as A B C D in the plan belonged to the husband of the plaintiff and his ancestors. The plaintiff was living with her husband in that house. Her husband died about 25 years ago, The plaintiff was living alone in that house till about 8 or 10 years ago when it fell down.

6. After it fell down, one Yenkamma daughter of Basawana Gowd, a cousin brother of plaintiff's husband, wanted to live there and the plaintiff at her own expense built a small room thereon in which the said Yenkamma had opened a petty shop and was living there. This Yenkamma died about 4 or 5 years ago. After the death of the said Yenkamma the said room has been surreptitiously taken possession of by the Reddi of the village. The plaintff will file a suit for this if and when necessary.

7. The crimnal complaint filed by the defendant against the plaintiff was dismissed. Now in about May 1934 when the plaintiff was ill and was living in her parents' house the defendant took advantage of this fact and also the fact that the Court was closed for the vacation, and has built a room on a portion of the site roughly about 3 yards by 6 yards shown as E.D C F in the plan. She has rested beams on one of the walls of the room which was occupied by the said Yenkamma.

8. The defendant has absolutely no right to build on the site or rest her beams on the wall above referred to. The plaintiff has no knowledge of the grant of the site to her. She was not consulted in the matter. Even if the said grant is true, it does not bind the plaintiff.

9. Cause of action for the suit arose against the defendant at Devalapuram, Siruguppa taluk, within the jurisdiction of this Hon'ble Court in about May 1934 and is still continuing.

10; The suit is valued at Rs.30 for purposes of Court fee under Sec. 7, Cl. v. and Section cl. iv.(d) and jurisdiction and stamp duty has been paid thereon.

11. Particulars of valuation.

Value of the site.	Rs.25/-
Value for purposes of injunction.	5/-

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12.The plaintiff therefore prays

(a) for a declaration that the plaintiff is the owner of the site A. B C D.-

(b) for a mandatory injunction requiring the defendant to pull down the structure E B C F thereon and if she refuses, that it may be pulled down and costs thereof recovered.

(c) for possession of the site.

(d) for costs of the suit.

and (e) for such other reliefs as to this Court may seem

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C.F. 32-(a).

Revenue DEPARTMENT. A 1389

In reply, please quote number, date and short title.

Received ..... *Registered* /

From (Name) T. Bhaskara Rao Esqr. I.C.S.,

(Designation) Collector of

Post Box ....., (Station) Bellary.

Telegraphic Address .....

BOARD OF REVENUE
25 MAR 1936

To The Secretary to the Board of Revenue,
Madras.

R.C. No. 4053/35/A1 dated 23rd March 1936.

Sir,

Suits - O.S. 41/35 - District Munsiff Bellary - Siruguppa Taluk - Devalapuram village - House site dispute - Plaintiff Gowdra Eranna - Suit dismissed with costs.

Ref:- B.P. Mis. 3946 dated 16-10-35.

Enclosures ..... Nil

Spare Copies .....

The above suit was dismissed with costs to Government. Full costs have been allowed.

23-3-36.

K.K.R.23-3-36.

For Collector.

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To AS (CA)

This may be recorded and pleaded with the SP at (Q)

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